

A BREIF

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# DISCOURSE

Of the Happy

# UNION

OF THE

# KINGDOMS

OF

*ENGLAND* and *SCOTLAND*,

WITH

Certain ARTICLES concerning the same

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Dedicated to his *MAJESTY*.

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By the Right Honourable Sir *Francis Bacon*, Kt.  
Baron of *Verulam*, Viscount *St. Alban*, and Lord  
High Chancellor of *England*.

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L O N D O N.

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**I** Do not find it strange, ( excellent *King* ) that when *Heraclitus* ( he that was Surnamed the *Obscure* ) had set forth a certain Book ( which is not now extant ) many Men took it for a *Discourse of Nature*, and many others took it for a *Treatise of Policy*. For there is a great Affinity and Consent between the *Rules of Nature* and the true *Rules of Policy*: The one being nothing else but an Order in the Government of the *World*; and the other an Order in the Government of an *Estare*. And therefore the Education and Erudition of the *Kings of Persia*, was in a *Science* which was termed by a Name then of great Reverence; but now degenerate and taken in the ill part. For the *Persian Magick*, which was the

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secret Literature of their *Kings*, was an Application of the Contemplations and *Observations* of *Nature*, unto a Sense *Politick*; taking the *Fundamental Laws* of *Nature*, and the Branches and Passages of them, as an Original or first Model whence to take and describe a Copy and Imitation for Government.

After this manner the aforesaid *Instructions* set before their *Kings* the Examples of the *Celestial Bodies*; the *Sun*, the *Moon*, and the rest; which have great Glory and Veneration, but no rest or intermission: Being in a perpetual Office of Motion, for the Cherishing (in Turn and in Course) of *Inferiour Bodies*: Expressing likewise the true manner of the Motions of *Government*, which though they ought to be swift and rapid, in respect of Dispatch, and Occasions, yet are they to be constant and regular, without wavering or Confusion.

So did they represent unto them how the *Heavens* do not enrich themselves by the *Earth* and the *Seas*, nor keep no dead Stock nor untouched Treasures, of that they draw to them from below; but whatsoever Moisture they do levy and take from both *Elements* in *Vapours*, they do spend and turn back again in *Showers*, on'y holding and storing them up for a time, to the end to issue and distribute them in Season.

But chiefly, they did express and expound unto them, that *Fundamental Law* of *Nature*, whereby all things do subsist and are preserved: Which is, that every Thing in *Nature*, although it hath his private and particular Affection and Appetite, and doth follow and pursue the same in small Moments; and when it is free and delivered from more general and common Respects; yet nevertheless, when there is Question or Case, for sustaining of the more general, they forsake their own *Particularities*, and attend and conspire to uphold the *Publick*.

So we see the *Iron* in small Quantity will ascend and approach to the *Loadstone*, upon a particular Simpathy: But if it be any quantity of Moment, it leaveth his appetite of Amity to the *Loadstone*, and like a good *Patriot* falleth to the *Earth*, which is the *Place* and *Region* of *Massy Bodies*.

So again, the *Water* and other like *Bodies*, do fall towards the Center of the *Earth*, which is (as was said) their *Region* or *Country*: And yet we see nothing more usual  
in



in all *Water Works* and *Engines*, than that the *Water* (rather than to suffer any *Distraction* of *Disunion* in Nature) will ascend, forsaking the Love to his own Region or Country, and applying it self to the Body next adjoining.

But it were too long a Digression to proceed to more Examples of this kind. Your *Majesty* your self did fall upon a Passage of this Nature in your *gracious Speech* of *Thanks* unto your *Council*; when acknowledging, Princely, their *Vigilancies* and well deservings, it pleased you to note, that it was a Success and Event above the Course of Nature, to have so great *Change*, with so great a *Quiet*. Forasmuch as sudden *Mutations* as well in *State* as in *Nature*, are rarely without Violence and Perturbation. So still I conclude there is (as was said) a Congruity between the *Principles* of Nature and *Policy*. And lest that *Instance* may seem to oppose to this Assertion, I may even in that particular, with your *Majesty's* Favour, offer unto you a Type or Pattern in Nature, much resembling this event in your State; Namely *Earthquakes*, which, many of them, bring ever much Terror and Wonder, but no actual hurt; the Earth trembling for a Moment, and suddenly stablished in perfect quiet as it was before.

This Knowledge then, of making the Government of the World a *Mirror* for the Government of a State, being a Wisdom almost lost (whereof, the reason I take to be, because of the difficulty for one Man to embrace both Philosophies) I have thought good to make some Proof (as far as my Weakness and the Straights of Time will suffer) to revive in the handling of one Particular, where-with now I most humbly present your *Majesty*: For surely, as hath been said, it is a *Form of Discourse*, anciently used towards *Kings*, and to what *King* should it be more proper than to a *King* that is studious to conjoin contemplative Vertue and active Vertue together?

Your *Majesty* is the first *King* that had the Honour to be *Lapis Angularis*, to unite these two mighty and Warlike Nations of England and Scotland under one *Sovereignty* and *Monarchy*. It doth not appear by the Records and Memories of any true *History*; or scarcely by the Fiction and Pleasure of any *Fabulous Narration* or *Tradition*, that ever, of any Antiquity, this Island of Great Britain was united under one

King

King before this Day. And yet there be no *Mountains* nor *Races of Hills*, there be no *Seas* or *great Rivers*, there is no *Diversity* of *Tongue* or *Language* that hath invited or provoked this ancient Separation or Divorce. The Lot of *Spain* was to have the several *Kingdoms* of that Continent (*Portugal* only excepted) to be united in an Age not long past, and now in our Age that of *Portugal* also, which was the last that held out to be incorporate with the rest. The Lot of *France* hath been much about the same time, likewise to have reannexed unto that *Crown*, the several *Dutchie*s and *Portions* which were in former times dismembred. The Lot of this *Island* is the last reserved for your *Majesty's* happy times; by the special Providence and Favour of *God*, who hath brought your *Majesty* to this happy Conjunction with great consent of *Hearts*, and in the strength of your *Years*, and in the maturity of your *Experience*. It resteth but that (as I promised) I set before your *Majesty's* Princely consideration, the *Grounds of Nature*, touching the *Union* and *Commixture* of *Bodies*, and the *Correspondence* which they have with the *Grounds of Policy* in the *Conjunction* of *States* and *Kingdoms*.

First therefore, that *Position*; *Vis unita fortior*, being one of the common *Notions* of the *Mind*, needeth not much to be induced or illustrated.

We see the *Sun* when he entereth, and while he continueth under the *Sign of Leo*, causeth more vehement *Heats* than when he is in *Cancer*, at what time his *Beams* are nevertheless more perpendicular. The Reason whereof, in great part hath been truly ascribed to the *Conjunction* and *Corradiation* in that place of *Heaven*, of the *Sun* with the four *Stars* of the first *Magnitude*, *Syrius*, *Canicula*, *Cor Leonis*, and *Cauda Leonis*.

So the *Moon* likewise by ancient *Tradition*, while she is in the same *Sign of Leo*, is said to be at the *Heart*, which is not for any *Affinity*, which that place of *Heaven* can have with that part of *Man's Body*, but only because the *Moon* is then by reason of the *Conjunction* and *Nearness* with the *Stars* aforementioned, in greatest strength of *Influence*, and so worketh upon that part in *Inferiour Bodies*, which is most *Vital* and *Principal*.

So we see *Waters* and *Liquors* in small Quantity do easily putrefie and corrupt; but in large Quantity subsist long, by reason of the Strength they receive by *Union*.

So in *Earthquakes*, the more general do little hurt, by reason of the united weight which they offer to subvert; but narrow and particular *Earthquakes* have many times overturned whole *Towns* and *Cities*.

So then this *Point* touching the Force of *Union* is evident. And therefore it is more fit to speak of the *Manner* of *Union*: Wherein again it will not be pertinent to handle one kind of *Union*, which is *Union* by *Victory*, when one Body doth meerly subdue another, and converteth the same into his own Nature, Extinguishing and Expulsing what part soever of it it cannot overcome. As when the *Fire* converteth the *Wood* into *Fire*, purging away the *Smook* and the *Ashes*, as unapt matter to enflame: Or when the *Body* of a *Living Creature*, doth convert and assimilate, *Food* and *Nourishment*, purging and expelling whatsoever it cannot convert, For these Representations do answer in matter of *Policy* to *Union* of *Countries* by *Conquest*, where the *Conquering State* doth extinguish, extirpate, and expulse any part of the *State Conquered* which it findeth so contrary as it cannot alker, and convert it. And therefore, leaving *Violent Unions* we will consider only of *Natural Unions*.

The *Difference* is excellent which the best *Observers* in *Nature* do take, between *Compositio* and *Mistio*, putting together and mingling: The one being but a *Conjunction* of *Bodies*, in place, the other in quality and consent: The one the Mother of *Sedition* and *Alteration*, the other of *Peace* and *Continuance*: The one rather a *Confusions* than an *Union*, the other properly an *Union*. Therefore we see those *Bodies* which they call *Imperfecte mista*, last not but are speedily dissolved. For take for Example *Snow* or *Froath*, which are *Compositions* of *Air* and *Water*, and in them you may behold how easily they sever and dissolve, the *Water* closing together and excluding the *Air*.

So those three *Bodies* which the *Alchymists* do so much Celebrate as the three *Principles* of *Things*; that is to say, *Earth*, *Water* and *Oyl*, (which it pleaseth them to term, *Salt*, *Mercury* and *Sulphur*) we see if they be united only by *Composition*, or putting together, how weakly and rudely they do incorporate: For *Water* and *Earth* maketh but an

unperfect slime: And if they be forced together by *Agitation*, yet upon a little settling, the *Earth* resideth in the bottom; So *Water* and *Oyl*, though by *Agitation* it be brought into an *Ointment*, yet, after a little settling, the *Oyl* will float on the top: So as such imperfect mixtures continue no longer than they are forced; and still in the end the worthiest getteth above.

But otherwise it is of perfect *Mixtures*. For we see these three *Bodies* of *Earth*, *Water* and *Oyl*, when they are joined in a *Vegetable* or *Mineral* they are so united, as without great subtilty of *Art* and force of *Extraction*, they cannot be separated and reduced into the same *simple Bodies* again. So as the difference between *Compositio* and *Mistio*, clearly set down is this; That *Compositio* is the joining or putting together of *Bodies* without a new *Form*; and *Mistio* is the joining or putting together of *Bodies* under a new *Form*. For the new *Form* is *Commune vinculum*, and without that the old *Forms* will be at *Strife* and *Discord*.

Now to reflect this *Light* of *Nature* upon *Matter* of *Estate*: There hath been put in practise in *Government* these two several kinds of *Policy*, in *Uniting* and *Conjoining* of *States* and *Kingdoms*: The one to retain the ancient *Form* still severed and only *Conjoined* in *Soveraignty*; the other to superinduce a new *Form* agreeable and convenient to the entire *Estate*. The former of these hath been more usual and is more easie; but the latter is more happy. For if a Man do attentively revolve *Histories* of all *Nations*, and judge truly thereupon, he will make this *Conclusion*, That there was never any *States* that were good *Commixtures* but the *Romans*. Which because it was the best *State* of the *World*, and is the best *Example* of this *Point*, we will chiefly insist thereupon.

In the *Antiquities* of *Rome*, *Virgil* bringeth in *Jupiter* by way of *Oracle* or *Prediction*, speaking of the *Mixture* of the *Trojans* and the *Italians*.

*Sermonem Ausonii Patrium, moresque tenebant,  
Utque est Nomen erit; Commixti Corpore tantum,  
Subsident Teucri, Morem, Ritusque Sacrorum  
Adjiciam; faciamque omnes uno ore Latinos.*

*Hinc*

*Hinc Genus Aufonio missum, quod sanguine surget;  
Supra Homines, superare Deos pietate videbis.*

Wherein *Jupiter* maketh a kind of Partition or Distribution; that *Italy* should give the Language and the Laws; *Troy* should give a Mixture of Men, and some Religious Rites; and both People should meet in one Name of *Latines*.

Soon after the Foundation of *Rome*, the People of the *Romans* and the *Sabines* mingled upon equal Terms. Wherein the interchange went so even, that (as *Livy* noteth) the one Nation gave the Name to the Place, the other to the People. For *Rome* continued the Name, but the People were called *Quirites*, which was the *Sabine* Word derived of *Cures* the Country of *Tatius*.

But that which is chiefly to be noted in the whole Continuance of the *Roman Government*, they were so liberal of their Naturalizations, as in effect they made perpetual Mixtures. For the manner was to grant the same, not only to particular Persons, but to Families and Lineages; and not only so, but to whole Cities and Countries. So as in the end, it came to that, that *Rome* was *Communis Patria*, as some of the *Civilians* call it.

So we read of *St. Paul*, after he had been beaten with Rods, and thereupon charged the Officer with the violation of the Privilege of a Citizen of *Rome*; The Captain said to him; Art thou then a Roman? That Privilege hath cost me dear. To whom *St. Paul* replied; But I was so born; and yet, in another place, *Saint Paul* professeth himself that he was a *Jew* by Tribe: So as it is manifest, that some of his Ancestors were Naturalized; and so it was conveyed to him and their other Descendants.

So we read, that it was one of the first Despites that was done to *Julius Caesar*, that whereas he had obtained Naturalization for a City in *Gaul*, one of the City was beaten with Rods of the Consul *Marcellus*.

So we read in *Tacitus*, that in the Emperour *Claudius's* time, the Nation of *Gaul*, (that part which is called *Comata*, the wilder part) were Suitors to be made capable of the Honour of being Senators and Officers of *Rome*. His Words are these, *Cum de supplendo Senatu ageretur, primoresque Gallia, quæ Comata appellatur, fœdera & Civitatem Romanam pridem assecuti, Jus adspicendorum in urbe Honorum, expeterent; multis, ea*

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super.



*super re, variusque rumor & studiis diversis, apud Principem, certabatur.* And in the end, after long debate, it was ruled they should be admitted.

So likewise, the Authority of *Nicholas Machiavel* seemeth not to be contemned; who enquiring the Causes of the growth of the *Romane Empire*, doth give Judgment; there was not one greater than this, That the State did so easily Compound and Incorporate with Strangers.

It is true, that most *Estates* and *Kingdoms* have taken the other Course. Of which this effect hath followed; that the Addition of further *Empire* and *Territory* hath been rather matter of Burthen than matter of Strength unto them: Yea, and farther, it hath kept alive the Seeds and Roots of Revolts and Rebellions for many Ages: As we may see in a fresh and notable Example of the *Kingdom of Aragon*: Which, though it were united to *Castile* by Marriage, not by Conquest; and so descended in Hereditary Union by the space of more than an Hundred Years; yet because it was continued in a divided Government, and not well Incorporated and Cemented with the other *Crowns*, entred into a Rebellion upon Point of their *Futros*, or *Liberties*, now of very late Years.

Now to speak briefly of the several parts of that Form, whereby *States* and *Kingdoms* are perfectly united, they are (besides the *Sovereignty* it self) Four in Number: *Union in Name*, *Union in Language*, *Union in Laws*, *Union in Employments*.

For *Name*, though it seem but a superficial and outward Matter, yet it carrieth much Impression and Enchantment: The general and common Name of *Græcia* made the *Greeks* always apt to unite (though otherwise full of *Divisions* among themselves) against other *Nations*, whom they called *Barbarous*. The *Helvetic* Name is no small Band to knit together their Leagues and Confederacies the faster. The common Name of *Spain* (no doubt) hath been a special means of the better Union and Conglutination of the several *Kingdoms* of *Castile*, *Aragon*, *Granada*, *Navarre*, *Valencia*, *Catalonia*, and the rest, comprehending also now lately *Portugal*.

For *Language*, It is not needful to insist upon it; because both your *Majesty's Kingdoms* are of one *Language*, though of several *Dialects*, and the difference is so small between them, as promiseth rather an enriching of one *Language* than a continuance of Two.

For *Laws*, which are the principal Sinews of *Government*, they may be of three Natures, *Jura*, which I will term *Freedom* or *Abilities*, *Leges* and *Mores*.

For *Abilities* and *Freedoms*, they were amongst the *Romans* of four Kinds, or rather Degrees. *Jus Connubii*, *Jus Civitatis*, *Jus Suffragii*, and *Jus Petitionis* or *Honorum*. *Jus Connubii*, is a thing in these times out of Use, For *Marriage* is open between all Diversities of *Nations*. *Jus Civitatis* answereth to that we call *Denization* or *Naturalization*. *Jus Suffragii*, answereth to the *Voice* in *Parliament*. *Jus Petitionis*, answereth to place in *Council* or *Office*. And the *Romans* did many times sever these *Freedoms*, granting *Jus Connubii*, *sine Civitate*; and *Civitatem*, *sine Suffragio*, and *Suffragium*, *sine Jure Petitionis*, which was commonly with them the last.

For those we called *Leges*, it is a matter of Curiosity, and Inconveniency to seek either to extirpate all particular Customs, or to draw all *Subjects* to one place or resort of *Judicature* and *Session*. It sufficeth there be an Uniformity in the Principal and Fundamental *Laws*, both *Ecclesiastical* and *Civil*, for in this point, the Rule holdeth which was pronounced by an ancient Father touching the Diversity of *Rites* in the *Church*; For finding the *Vesture* of the *Queen* in the *Psalm* ( which did prefigure the *Church* ) was of divers Colours, and finding again that *Christ's Coat* was without a Seam, he concludeth well, *In veste varietas sit, Scissura non sit*.

For *Manners*, a consent in them is to be sought industriously, but not to be enforced: For nothing amongst People breedeth so much pertinacy in holding their Customs, as sudden and violent offers to remove them.



And as for *Employments* it is no more but in indifferent hand and Execution of that *Verse*.

*Tyros, Trisqve mihi nullo discrimine agetur.*

There remaineth only to remember out of the *Grounds of Nature* the two *Conditions* of perfect mixture; Whereof the former is *Time*. For the *Natural Philosophers* say well; that *Compositio* is *Opus Hominis*; and *Mistio*, *opus Naturæ*. For it is the Duty of Man, to make a fit Application of Bodies together: But the perfect *Fermentation* and Incorporation of them must be left to *Time* and *Nature*; and *unnatural* *hasting* thereof doth disturb the work and not dispatch it.

So we see, after the *Graft* is put into the *Stock* and bound, it must be left to *Time* and *Nature*, to make that *Continuum*, which at the first was but *Consiguum*. And it is not any continual pressing or Thrusting together that will prevent *Natures* Season, but rather hinder it. And so in *Liquors* those *Commixtures* which are at the first troubled, grow after clear and settled, by the benefit of Rest and Time.

The Second *Condition* is, That the greater draw the less. So we see when two *Lights* do meet, the greater doth darken and dim the less. And when a smaller *River* runneth into a greater, it loseth both his *Name* and *Stream*. And hereof to conclude, we see an excellent Example in the *Kingdoms* of *Judab* and *Israel*. The *Kingdom* of *Judab* contained two *Tribes*; The *Kingdom* of *Israel* contained Ten: *King David* reigned over *Judab* for certain *Years*; And after the Death of *Ishbosheth* the Son of *Saul*, obtained likewise the *Kingdom* of *Israel*. This Union continued in him, and likewise in his Son *Solomon*, by the space of Seventy *Years* at least between them both: But yet, because the Seat of the *Kingdom* was kept still in *Judab*, and so the less sought to draw the greater upon the first occasion offered, the *Kingdoms* brake again, and so continued ever after.

Thus having in all Humbleness made Oblation to your *Majesty*, of these simple Fruits of my *Devotion* and *Studies*; I do wish, and do wish it not in the Nature of an Impossibility, (to my Apprehension) That this happy Union of your *Majesty's* two *Kingdoms* of *England* and *Scotland*, may be in as good an Hour, and under the like *Divine Providence*, as that was between the *Romans* and the *Sabines*.

C.E.R.

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CERTAIN  
**A R T I C L E S :**  
 O R,  
 CONSIDERATIONS  
 Touching the  
**U N I O N**  
 O F T H E  
**K I N G D O M S**  
 O F  
**ENGLAND and SCOTLAND;**

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Collected and dispersed for his *M A J E S T Y*'S  
 better Service.

**Y**OUR Majesty, being (I do not doubt) : directed  
 and conducted by a better Oracle than that which  
 was given for Light to *Aeneas* in his Peregrination,  
 (*Antiquam exquisitè Matrem*) hath a Royal, and in-  
 deed an Heroical Desire to reduce these two Kingdoms of  
*England and Scotland* into the Unity of their Ancient Mother  
*Kingdom of Britain*. Wherein as I would gladly applaud un-

to

to your *Majesty*, or sing aloud that *Hymn* or *Anthem*, *Sic itur ad Astra*, so in a more soft and submissive Voice, I must necessarily remember unto your *Majesty* that warning or Caveat, *Ardua quæ Pulchra*, it is an action that requireth, yea and needeth much, not only of your *Majesty's Wisdom*, but of your *Filicity*. In this Argument I presumed at your *Majesty's* first entrance to write a few Lines, indeed Scholastically, and Speculatively, and not Actively or Politically, as I held it fit for me at that time; when neither your *Majesty* was in that your desire declared, nor my self in that Service used or trusted. But now, that both your *Majesty* hath opened your desire and purpose with much Admiration, even of those who give it not an Approbation, and that my self was by the *Commons* graced with the first Vote of all the *Commons* selected for that Cause; not in any Estimation of my Ability (for therein so wise an *Assembly* could not be so much deceived) but in acknowledgement of my extreme Labours and Integrity in that business, I thought my self bound, both in Duty to your *Majesty*, and in trust to that *House of Parliament*, and in consent to the matter it self, and in conformity to my own Travails and Beginnings, not to neglect any pains that may tend to the fartherance of so excellent a Work: Wherein I will endeavour that that which I shall set down be *Nihil minus quam verba*: For length and ornament of Speech, are to be used for perswasion of *Multitudes*, and not for Information of *Kings*: Especially such a *King* as is the only instance that ever I knew to make a Man of *Plato's* Opinion, *That all Knowledge is but Remembrance*, and that the *Mind* of *Man* knoweth all things, and demandeth only to have her own *Notions* excited and awaked. Which your *Majesty's* rare and indeed singular Gift and Faculty of swift Apprehension and infinite Expansion or Multiplication of another Man's Knowledge by your own, as I have often observed, so I did extremely admire in *Goodwins Cause*, being a matter full of Secrets and Mysteries of our Laws, meerly new unto you, and quite out of the Path of your Education, Reading and Conference: Wherein, nevertheless, upon a spark of Light given, your *Majesty* took in so Dexterously and Profoundly, as if you had been indeed *Anima Logis*; not only in execution but in understanding: The Remembrance whereof as it will never be out of my Mind, so it will always be a warning to me to seek rather to excite your Judgment briefly, than to enform it tediously, and if in a matter of that Nature, how much in this  
where-

wherein your *Princely Cogitations* have wrought themselves, and been conversant, and wherein the principal Light proceeded from your self.

And therefore my purpose is only to break this matter of the *Union* into certain short *Articles* and *Questions*, and to make a certain kind of *Anatomy* or *Analysis* of the Parts and Members thereof; not that I am of Opinion, that all the *Questions* which I now shall open, were fit to be in the Consultation of the *Commissioners* propounded. For I hold nothing so great an Enemy to good Resolution, as the making of too many Questions, specially in *Assemblies*, which consist of many. For *Princes* for avoiding of Distraction must take many things by way of admittance; and if Questions must be made of them, rather to suffer them to arise from others then to Grace them and Authorize them as propounded for themselves. But unto your *Majesty's* private Consideration, to whom it may better sort with me, rather to speak as a *Remembrancer* than a *Counsellor*, I have thought good to lay before you all the *Branches*, *Lineaments* and *Degrees* of this *Union*, that upon the View and Consideration of them and their Circumstances, your *Majesty* may the more clearly discern and more readily call to Mind which of them is to be embraced, and which to be rejected; and of these which are to be accepted, which of them to be presently proceeded in, and which to be put over to farther time; and again, which of them shall require *Authority of Parliament*, and which are fitter to be effected by your *Majesty's* *Royal Power* and *Prerogative*, or by other Policies or Means; and lastly, which of them is liker to pass with difficulty and Contradiction, and which with more Facility and Smoothness.

First therefore, to begin with that Question that I suppose will be out of Question.

Whether it be not meet, That the Statutes which were made touching *Scotland* or the *Scottish Nation*, while the *Kingdoms* stood severed be repealed?

Statutes  
concerning  
*Scotland* &  
the *Scottish*  
Nation.

It is true, there is a Diversity in these, for some of these *Laws* consider *Scotland* as an Enemy Country; others *Laws* consider it as a Foreign Country only: As for Example, the Law of *Rich. 2. Anno. 7th.* which Prohibiteth all Armour or Victual to be carried to *Scotland*: And the Law of 7th of *K. H.* the 7. that enacteth all the *Scottish* Men to depart the Realm within a time prefixed; Both these *Laws*, and some others, respect *Scotland* as a Country of Hostility: But the Law of 22 of

*Edward 1<sup>st</sup>*. that endueth *Barwick* with the Liberry of a *Staple*, where all *Scottish Merchandizes* should resort, that should be uttered for *England*; And likewise all *English Merchandizes* that should be uttered for *Scotland*; this Law beholdeth *Scotland* only as a *Foreign Nation*; and not so much neither, for there have been erected *Staples* in *Towns of England*; for some *Commodities*, with an *Exclusion* and *Restriction* of other parts of *England*.

But this is a Matter of the least Difficulty, your Majesty shall have a *Calender* made of the *Laws*, and a *Brief* of the Effect: And so you may judge of them: And the like, or *Reciproque* is to be done by *Scotland*, for such *Laws* as they have concerning *England* and the *English Nation*.

Laws, Customs, Com-  
missions, Officers, of  
the Borders  
or Marches.

The second Question is, what *Laws*, *Customs*, *Commissions*, *Officers*, *Garrisons* and the like, are to be put down, discontinued or taken away, upon the *Borders* of both *Realms*. To this Point, because I am not acquainted with the *Orders* of the *Marches*, I can say less.

Herein falleth that *Question*, whether that the *Tenants* who hold their *Tenant Rights* in a greater *Freedom* and *Exemption*, in Consideration of their Service upon the *Borders*; And that the *Countries* themselves which are in the same respect discharged of *Subsidies* and *Taxes*, should not now be brought to be in one degree with other *Tenants* and *Countries*; Nam cessante causa solvitur Effectus; Wherein, in my Opinion, some time would be given; Quia adhuc eorum Messis in Herba est: But some present Ordinance would be made to take effect at a future time, considering it is one of the greatest *Points* and *Marks* of the Division of the *Kingdoms*. And because Reason doth dictate, that where the principal Solution of Continuity was, there the Healing and Consolidating Plaister should be chiefly applied, there would be some farther device for the utter and perpetual confounding of those Imaginary Bounds, (as your Majesty termeth them) and therefore it would be considered, whether it were not convenient to Plant and Erect at *Carlisle* or *Barwick*, some Council or Court of Justice, the Jurisdiction whereof might extend part into *England* and part into *Scotland*; with a Commission not to proceed precisely or merely according to the *Laws* and *Customs* either of *England* or *Scotland*, but mixtly, according to Instruction, by your Majesty to be set down, after the Imitation and President of the Council of the *Marches* here in *England*, Erected upon the Union of *Wales*.

The



The third Question is that which many will make a great Question of, though perhaps your *Majesty* will make no Question of it; and that is, Whether your *Majesty* should not make a stop or stand here, and not to proceed to any further Union; Contenting your self with the two former *Articles* or *Points*.

Farther Union beside the removing of inconvenience and dissenting laws and usages.

For it will be said, That we are now well, ( thanks be to God and your *Majesty*.) and the *State* of neither *Kingdom* is to be repented of, and that it is true which *Hippocrates* saith, That, *Sana Corpora difficile medicatio ferunt*: It is better to make Alterations in Sick Bodies than in sound. The Consideration of which *Point*, will rest upon these two *Branches*: What *Inconveniencies* will ensue with time, if the *Realms* stand as they are divided, which are yet not sound nor sprung up. For it may be the sweetness of your *Majesty's* first entrance, and the great Benefit that both *Nations* have felt thereby, hath covered many *Inconveniencies*; which nevertheless be your *Majesties* Government never so Gracious and Politick, Continuance of time, and the Accidents of time, may breed and discover, if the *Kingdoms* stand divided.

The second *Branch* is, allow no manifest or important Peril or *Inconveniencie* should ensue of the continuing of the *Kingdoms* divided, yet on the other side, whether that upon the farther *Uniting* of them, there be not like to follow that Addition and encrease of Wealth and Reputation, as is worthy your *Majesty's* Verrues and Fortune, to be the Author and Founder of, for the advancement and Exaltation of your *Majesty's* Royal *Posterity* in time to come.

But admitting that your *Majesty* should proceed to this more perfect and entire Union, wherein your *Majesty* may say, *Majus Opus moveo*, to enter into the *Parts* and *Degrees* thereof, I think fit first to set down as in a brief *Table*, in what *Points* the *Nations* stand now at this present time already united, and in what *Points* yet still severed and divided, that your *Majesty* may the better see what is done, and what is to be done; and how that which is to be done is to be inferred upon that which is done.

Points wherein the Nations stand already united.

The *Points* wherein the *Nations* stands already united are;

In Sovereignty.

In the *Relative* thereof, which is *Subjection*.

In Religion.

In *Content*.In *Language*.

And now lastly, by the Peace by your *Majesty* concluded with Spain in *Leagues* and *Confederacies*, for now both *Nations* have the same Friends and the same Enemies.

Yet notwithstanding, there is none of the six Points where-in the *Union* is perfect and Consummate; but every of them hath some scruple or rather Grain of Separation enwrapped and included in them.

Sovereignty,  
Line royal.

For the *Sovereignty*, the *Union* is absolute in your *Majesty* and your *Generation*, but if it should so be (which God of his infinite Mercy defend) that your Issue should fail, then the descent of both *Realms* doth resort to the several *Lines* of the several *Bloods Royal*.

Subjection,  
Obedience.

For *Subjection*, I take the Law of *England* to be clear, (what the Law of *Scotland* is I know not) That all *Scottish* Men from the very Instant of your *Majesty's* *Reign* begun are become *Denizens*, and the *Post-Nati* are Naturalized Subjects of *England* for the time forward: For by our *Laws* none can be an *Alien*, but he that is of another Allegiance than our *Sovereign Lord the Kings*; For there be but two sorts of *Aliens*, whereof we find mention in our *Law*, an *Alien* *Amy*, and an *Alien* *Enemy*; whereof the former is a Subject of a State in *Amity* with the *King*, and the latter a Subject of a State in *Hostility*: But whether he be one or other, it is an Essential Difference unto the Definition of an *Alien*, if he be not of the *Kings* *Allegiance*, as we see it evidently in the president of *Ireland*, who since they were Subjects to the *Crown of England*, have ever been Inheritable and capable as *Natural Subjects*, and yet not by any *Statute* or *Act of Parliament*, but meerly by the *Common Law*, and the Reason thereof. So as there is no doubt that every Subject of *Scotland* was, and is, in like Plight and Degree, since your *Majesty's* coming in, as if your *Majesty* had granted particularly your *Letters of Denization* or *Naturalization* to every of them, and the *Post-Nati* wholly *Natural*. But then on the other side, for the time Backwards, and for those that were *Ante-Nati*, the *Blood* is not by *Law* Naturaliz'd, so as they cannot take it by descent from their *Ancestors* without *Act of Parliament*. And therefore in this Point there is a defect in the *Union* of *Subjection*.

Alien Naturalization.



For matter of *Religion*, the *Union* is perfect in Points of *Doctrine*, but in matter of *Discipline* and *Government* it is imperfect.

For the *Continent* it is true, there are not natural *Boundaries* of *Mountains* or *Seas*, or *Navigable Rivers*, but yet there are *Badges* and *Memorials* of *Borders*, of which Point I have spoken before.

For the *Language*, it is true, the *Nations* are *unius Labii*, and have not the first *Course* of *Disunion*, which was *Confusion* of *Tongues*, whereby one understood not another. But yet the *Dialect* is differing, and it remaineth a kind of *Mark* of *Distinction*. But for that *Tempori permittendum*, it is to be left to *Time*: For considering that both *Languages* do concur in the principal *Office* and *Duty* of a *Language*, which is to make a *Man* self understand; For the rest, it is rather to be accounted (as was said) a *Diversity* of *Dialect* than of *Language*: And as I said in my first *Writing*, it is like to bring forth the enriching of one *Language*, by compounding and taking in the proper and significant words of either *Tongue*, rather than a continuance of two *Languages*.

For *Leagues* and *Confederacies*; it is true, that neither *Nation* is now in *Hostility* with any *State*, wherewith the other *Nation* is in *Amity*: but yet so, as the *Leagues* and *Treaties* have been concluded with either *Nation* respectively, and not with both jointly; which may contain some *Diversity* of *Articles* of straitness of *Amity* with one more than with the other.

But many of these matters may perhaps be of that kind as may fall within that *Rule*, *In veste varietas sit, scissura non sit*.

Now to descend to the particular *Points* wherein the *Realms* stand severed and divided, over and besides the former six *Points* of *Separation*, which I have noted and placed as defects or abatements of the six *Points* of the *Union*, and therefore shall not need to be repeated. The *Points* I say yet remaining I will divide into *External* and into *Internal*.

The *External Points* therefore of the *Separation* are Four.

1. The several *Crowns*, I mean the *Ceremonial* and *Material Crowns*.

2. The second is the several *Names*, *Stiles*, or *Appellations*.
3. The third is the several *Prints* of the *Seals*.
4. The Fourth is the several *Stamps* or *Marks* of the *Coins* or *Monies*.

It is true, that the *External* are in some respect and parts much mingled and interlaced with *Considerations Internal*, and

Religion,  
Church-Government.

Continent,  
Borders.

Language,  
Dialect.

Leagues;  
Confederacies.  
Treaties.

External  
points of the  
Separation  
and Union.

that they may be as effectual to the true Union, which must be the work of Time as the *Internal*, because they are operative upon the Conceits and Opinions of the *People*: The uniting of whose Hearts and Affections is the life and true end of this *Work*.

The Cere-  
monial or  
Material  
Crowns.

For the *Ceremonial Crowns* the Question will be whether there shall be framed one new Imperial *Crown of Britain* to be used for the times to come. Also admitting that to be thought Convenient whether in the frame thereof there shall not be some reference to the *Crowns of Ireland and France*.

Also whether your *Majesty* should repeat or iterate your own *Coronation*, and your *Queens*, or only ordain that such new *Crown* shall be used by your *Posterity* hereafter. The *Difficulties* will be in the Conceit of some *Inequality*, whereby the *Realm of Scotland* may be thought to be made an *Accession* unto the *Realm of England*. But that resteth in some Circumstances: For the *Compounding* of the two *Crowns* is equal; the *Calling* of the new *Crown* the *Crown of Britain* is equal. Only the *Place of Coronation* if it shall be at *Westminster*, which is the ancient *August* and *Sacred Place* for the *Kings of England*, may seem to make an *Inequality*: And again; if the *Crown of Scotland* be discontinued, then that *Ceremony* which I hear is used in the *Parliament of Scotland*, in the absence of the *Kings* to have the *Crowns* carried in solemnity must likewise cease.

The Stiles,  
and Names.

For the *Name*, the main Question is whether the *Contracted Name of Britain*, shall be by your *Majesty* used, or the *Divided Names of England and Scotland*. Admitting there shall be an alteration, then the Case will require these Inferiour *Questions*.

First whether the *Name of Britain* shall not only be used in your *Majesty's Stile*, where the entire *Stile* is recited, and in all other *Forums* the *divided Names* to remain, both of the *Realms* and of the *People*; Or otherwise, that the very *divided Names of Realms and People* shall likewise be changed or turned into special or subdivided *Names* of the general *Name*, that is to say, for Example, whether your *Majesty* in your *Stile* shall denominate your self, *King of Britain, France and Ireland, &c.* And yet nevertheless, in any *Commission, Writ*, or otherwise, where your *Majesty* mentioneth *England* or *Scotland*, you shall retain the ancient *Names*, as *Secundum Consuetudinem Regni nostri Angliæ*; or whether those *divided Names* shall be for ever lost and taken away, and turned into the subdivisions of *South Britain*, and *North Britain*, and the *People* to be *South Britains* and *North Britains*, and so in the Example aforesaid, the Tenour of the like

like Clause to run *Secundum Consuetudinem Britanniae Australis.*

Also if the former of these shall be thought convenient, whether it were not better for your Majesty to take that alteration of *Stile* unto you by Proclamation, as *Edward* the Third did the *Stile* of *France*, than to have it enacted by *Parliament*.

Also in the *Alteration* of the *Stile*, whether it were not better to transpose the *Kingdom* of *Ireland*, and to put it immediately after *Britain*, and so place the *Islands* together, and the *Kingdom* of *France* being upon the Continent last, in regard that these *Islands* of the *Western Ocean* seem by Nature and Providence an entire *Empire* in themselves, and also that there was never any *King* of *England*, so entirely possessor of *Ireland* as your Majesty is: So as your *Stile* to run *King* of *Britain*, *Ireland*, and the *Islands* Adjacent, and of *France*, &c.

The *Difficulties* in this, have been already throughly Beaten over, but they gathered but to two *Heads*.

The one Point of *Honour* and *Love* to the former *Names*.

The other *Doubt*, lest the *Alteration* of the *Name* may induce and involve an *Alteration* of the *Laws* and *Policies* of the *Kingdom*; both which, if your Majesty shall assume the *Stile* by *Proclamation* and not by *Parliament*, are in themselves satisfied: For then the usual *Names* must needs remain, in *Writs* and *Records*, the *Forms* whereof cannot be altered but by *Act* of *Parliament*, and so the Point of *Honour* satisfied. And again, your *Proclamation* altereth no *Law*, and so the scruple of a tacite or implied *Alteration* of *Laws* likewise satisfied. But then it may be considered whether it were not a Form of the greatest *Honour*, if the *Parliament* though they did not enact it, yet should become *Suiters* and *Petitioners* to your Majesty to assume it.

For the *Seals*, that there should be but one *Great Seal* of *Britain*, and one *Chancellor*, and that there should only be a *Seal* in *Scotland* for *Processes* and *ordinary Justice*; and that all *Patents* of *Grants* of *Lands* or otherwise, as well in *Scotland* as *England*, shall pass under the *Great Seal* here, kept about your Person; it is an *Alteration* internal, whereof I do not now speak. The Seals.

But the *Question* in this place is, whether the *Great Seals* of *England* and *Scotland* shou'd not be changed into one and the same Form of *Image* and *Superscription* of *Britain*, which never theless is requisite shou'd be, with some one plain or manifest *Alteration*, lest there be a buz, and suspect that *Grants* of *Things* in *England*, may be passed by the *Seal* of *Scotland*, or *è converso*.

Also, whether this *Alteration* of *Form*, may not be done without

The Standards and Stamps, Monies.

out *Act of Parliament*, as the great Seals have used to be heretofore changed as to their *Impressions*,

For the *Monies*, as to the real and internal Consideration thereof, the *Question* will be, whether your *Majesty* should not continue two *Mints*, with the distance of *Territory* considered) I suppose will be of Necessity.

Secondly, how the *Standards* (if it be not already done, as I hear some doubt made of it in popular Rumour) may be reduced into an exact proportion for the time to come; and likewise the *Computation*, *Tale* or *Valuation* to be made exact for the *Monies* already beaten.

That done, the last *Question* is; (which is only proper to this place) whether the *Stamp* or *Image* and *Superscription* of *Britain* for the time forwards should not be made the self same in both places, without any difference at all. A matter also which may be done as our *Law* is, by your *Majesty's* *Prerogative* without *Act of Parliament*.

These *Points* are *Points of Demonstration*, *Ad faciendum populum*, but so much the more they go to the *Root* of your *Majesty's* *Intention*, which is to imprint and inculcate into the Hearts and Heads of the *People*, that they are one *People* and *Nation*.

In this kind also, I have heard it pass abroad in Speech of the *Erection* of some new *Order of Knighthood*, with a Reference to the *Union*, and an *Oath* appropriate thereunto, which is a *Point* likewise deserveth a Consideration. So much for the *External Points*.

Internal Points of Union.

The *Internal Points of Separation* are as followeth.

1. Several *Parliaments*;
2. Several *Counsels* of *Estate*.
3. Several *Officers* of the *Crown*.
4. Several *Nobilities*.
5. Several *Laws*.
6. Several *Courts* of *Justice*, *Trials*, and *Processes*.
7. Several *Receipts* and *Finances*,
8. Several *Admiralties* and *Merchandizings*.
9. Several *Freedoms* and *Liberties*.
10. Several *Taxes* and *Imposts*.

As touching the several *States Ecclesiastical*, and the several *Mints* and *Standards*, and the several *Articles* and *Treaties* and *Intercourse* with *Foreign Nations*, I touched them before.

In

In these *Points* of the straight and more inward *Union* there will intervene one principal *Difficulty* and *Impediment* growing from that *Root* which *Aristotle* in his *Politicks* maketh to be the *Root* of all *Division* and *Dissention* in *Common-Wealths*, and that is *Equality* and *Inequality*. For the *Realm* of *Scotland* is now an ancient and noble *Realm*, substantive of it self. But when this *Island* shall be made *Britain*, then *Scotland* is no more to be considered as *Scotland*, but as a part of *Britain*; No more than *England* is to be considered as *England*, but as a part likewise of *Britain*, and consequently neither of these are to be considered as things entire of themselves, but in the proportion they bear to the whole. And therefore let us Imagine (*Nam id mente possumus, quod actu non possumus*) that *Britain* had never been divided, but had ever been one *Kingdom*, then that part of *Soil* or *Territory*, which is comprehended under the Name of *Scotland*, is in quantity, (as I heard it esteemed, how truly I know not) not past a third part of *Britain*; and that part of *Soil* or *Territory* which is comprehended under the Name of *England*, is two parts of *Britain*, leaving to speak of any difference of *Wealth* or *Population*, and speaking only of *Quantity*. So then if for Example *Scotland* should bring to *Parliament* as much *Nobility* as *England*, then a third part should countervail two parts; *Nam si inequalibus æqualia addas omnia erunt Inæqualia*. And this I protest before God and your Majesty, I do speak not as a man born in *England*, but as a Man born in *Britain*. And therefore to descend to the Particulars.

For the *Parliaments*, the Consideration of that *Point* will fall into four *Questions*.

1. The first, what portion shall be kept between the *Votes* of *England* and the *Votes* of *Scotland*. 1. Parliament.

2. The Second touching the manner of *Proposition*, or possessing of the *Parliament* of *Causés* there to be handled; which in *England* is used to be done immediately by any *Member* of *Parliament*, or by the *Prolocutor*, and in *Scotland* is used to be done immediately by the *Lords of Articles*, whereof the one Form seemeth to have more *Liberty*, and the other more *Gravity* and *Maturity*, and therefore the *Question* will be, whether of these shall yield to other, or whether there should not be a Mixture of both, by some *Commissions* precedent to every *Parliament* in the nature of *Lords* of the *Articles*, and yet not excluding the liberty of propounding in full *Parliament* afterwards.

3. The third, touching the *Orders of Parliament*, how they may be compounded and the best of either taken.

4. The Fourth, how those which by *Inheritance* or otherwise, have *Offices of Honour and Ceremony* in both the *Parliaments*, as the *Lord Steward* with us, &c. may be satisfied and Duplicity accommodated.

2 Councils  
of Estates.

For the *Councils of Estate*, while the *Kingdoms* stand divided, it should seem necessary to continue several *Councils*, but if your *Majesty* should proceed to a strict *Union*, then howsoever your *Majesty* may establish some *Provincial Councils* in *Scotland* as there is here of *York* and in the *Marches of Wales*, yet the question will be, whether it will not be more convenient for your *Majesty*, to have but one *Privy Council* about your *Person*, whereof the *Principal Officers* of the *Crown* of *Scotland* to be for *Dignity* sake, howsoever their abiding and remaining may be as your *Majesty* shall employ their Service. But this Point belongeth meerly and wholly to your *Majesty's Royal Will and Pleasure*.

3. Officers  
of the  
Crown.

For the *Officers of the Crown*, the Consideration thereof will fall into these Questions.

First in regard of the *Latitude* of your *Kingdom* and the *distance of Place*, whether it will not be Matter of necessity to continue the several *Officers*, because of the *Impossibility* for the service to be performed by one.

The Second admitting the *duplicity* of *Officers* should be continued, yet whether there should not be a difference that one should be the *Principal Officer*, and the other to be but special and subaltern: As for Example, one to be *Chancellor of Britain*, and the other to be *Chancellor* with some special addition, as here of the *Dutchy*, &c.

The third, if no such speciality or inferiority be thought fit then whether both *Officers* should not have the *Title* and the *Name* of the whole *Island* and *Precincts*: As the *Lord Chancellor of England* to be *Lord Chancellor of Britain*; and the *Lord Chancellor of Scotland*, to be *Lord Chancellor of Britain*, but with several Provisoes that they shall not intromit themselves, but within their several *Precincts*.

4 Nobilities

For the *Nobilities*, the consideration thereof will fall into these Questions.

The first of their *Votes in Parliament* ( which was touched before ) what proportion they shall bear to the *Nobility of England*, wherein if the proportion which shall be thought fit be not full yet your *Majesty* may out of your *Prerogative* supply it, for although



though you cannot make fewer of Scotland, yet you may make more of England.

The second is touching the *Place* and *Precedence*, wherein to marshal them according to the *Precedence of England* in your *Stile*, and according to the *Nobility of Ireland*, that is, all *English Earls first*, and then *Scottish* will be thought unequal for Scotland, To marshal them according to *Antiquity*, will be thought unequal for England. Because I hear the *Nobility* is generally more ancient And therefore the question will be, whether the indifferentest way were not to take them interchangeably, as for Example, first the ancient *Earl of England*, and then the ancient *Earl of Scotland*, and so *Alternis Vicibus*.

For the *Laws*, to make an intire and perfect Union, it is a matter of great difficulty and length, both in the *Collecting* of them and in the passing of them. For first, as to the *Collecting* of them, there must be made by the *Lawyers* of either *Nation*, a *Digest* under *Titles* of their severall *Laws* and *Customs*, as well *Common Laws*, as *Statutes*, that they may be collated and compared, and that the *diversities* may appear and be discerned of. And for the passing of them we see by experience that *Patrius mos* is dear to all Men, and that Men are bred and nourished up in the Love of it, and therefore how harsh *Changes* and *Innovations* are. And we see likewise what Disputation and Argument the *Alteration* of some *Law* doth cause and bring forth, how much more the alteration of the whole *Corps* of the *Laws*? Therefore the first *Question* will be, whether it be not good to proceed by parts, and to take that that is most necessary, and leave the rest to Time? The parts therefore, or Subject of *Law*, are for this purpose fittest distributed according to that ordinary *Division* of *Criminal* and *Civil*, and those of *Criminal Causes*, into *Capital* and *Penal*.

The second *Question* therefore is, allowing the general Union of *Laws* to be too great a Work to embrace, whether it were not convenient that *Cases Capital* were the same in both *Nations*, I say, the *Cases*, I do not speak of the *Proceedings* or *Tryals*, that is to say, whether the same *Offences* were not fit to be made *Treason* or *Felony* in both *Places*?

The third *Question* is, Whether *Cases Penal*, though not *Capital*, yet if they concern the *Publick State*, or otherwise the *Discipline* of *Manners*, were not fit likewise to be brought into one Degree, as the *Case* of *Misprision* of *Treason*, the *Case* of *Premunure*, the *Case* of *Fugitives*, the *Case* of *Incest*, the *Case* of *Simony*, and the rest.



But the *Question* that is more urgent then any of these is, whether these *Cases*, at the least be they of any higher or inferiour degree, wherein the *Fact* committed, or *Act done in Scotland*, may prejudice the *State* and *Subjects of England*, or *è converse*, are not to be reduced into one *Uniformity of Law* and *Punishment*, as for Example, a *Perjury* committed in a *Court of Justice* in *Scotland*, cannot be prejudicial in *England*, because *Depositions* taken in *Scotland* cannot be produced and used here in *England*. \* But a *Forgery* of a *Deed* in *Scotland*, I mean with a false *Date of England*, may be used and given in Evidence in *England*. So likewise the depopulating of a *Town* in *Scotland*, doth not directly prejudice the *State of England*: But if an *English Merchant* shall carry *Silver* and *Gold* into *Scotland* (as he may) and thence transport it into *Foreign* parts, this prejudiceth the *State of England*, and may be an *Evasion* to all the *Laws of England*, ordained in that *Case*: And therefore had need to be bridled with as severe a *Law* in *Scotland*, as is here in *England*.

Of this kind there are many *Laws*.

The *Law* of the 50th of *Rich.* the 2. of going over without *License*, if there be not the like *Law* in *Scotland* will be frustrated and evaded: For any *Subject of England* may go first into *Scotland*, and thence into *Foreign* Parts.

So the *Laws* prohibiting Transportation of sundry *Commodities*, as *Gold*, *Silver*, *Ordinance*, *Artillery*, *Corn*, &c. if there be not a Correspondence of *Laws* in *Scotland*, will in like manner be deluded and frustrate: For any *English Merchant* or *Subject* may carry such *Commodities* first into *Scotland*, as well as he may carry them from *Port* to *Port* in *England*. And out of *Scotland* into *Foreign* Parts, without any peril of *Law*.

So *Libels* may be devised and written in *Scotland*, and Published and scattered in *England*.

*Treasons* may be plotted in *Scotland* and Executed in *England*.

And so in many other *Cases*, if there be not the like severity of *Law* in *Scotland*, to restrain *Offences*, that there is in *England*; (whereof we are here ignorant whether there be or no) it will be a gap or stop even for *English Subjects* to escape and avoid the *Laws of England*.

But for *Treasons* the best is that by the *Statute* of 26 *K. H.* the 8. *Cap.* 13. any *Treason* committed in *Scotland*, may be proceeded with in *England* as well as *Treasons* committed in *France*, *Rome*, or elsewhere.

For *Courts of Justice*, *Tryals*, *Process*, and other *Administration* of

of *Laws*, to make any *Alteration* in either *Nation*, it will be a thing so new and unwonted to either *People*; That it may be doubted it will make the *Administration of Justice* (which of all other things ought to be known, and certain as the beaten way) to become intricate and uncertain: And besides, I do not see that the severality of *Administration of Justice*, though it be by *Court Sovereign of last resort*; (mean without *Appeal* or *Error*) is any Impediment at all to the *Union* of a *Kingdom*, as we see by experience in the several *Courts of Parliament* in the *Kingdom of France*: And I have been always of Opinion, that the *Subjects of England* do already fetch *Justice* somewhat far off, more than in any *Nation* that I know, the largeness of the *Kingdom* considered, though it be holden in some part by the *Circuits* of the *Judges*; And the two *Councils* at *York*, and the *Marches* of *Wales* established,

But it may be a *Question*, whether as *Commune Vinculum*, of the *Justice* of both *Nations*, your *Majesty* should not erect some Court about your *Person*, in the nature of the *Grand Council of France*: To which Court you might by way of *Evocation* draw Causes from the ordinary *Judges* of both *Nations*; for so doth the *French King* from all the *Courts of Parliament* in *France*; many of which are more remote from *Paris* than any part of *Scotland* is from *London*.

For *Receipts* and *Finances*, I see no *Question* will arise, in regard it will be matter of *Necessity* to establish in *Scotland* a *Receipt of Treasure*, for *Payments*, and *Erogations* to be made in those parts: And for the *Treasure of Spare*, in either *Receipts* the *Custodies* thereof may well be several; considering by your *Majesty's Commandment*, they may be at all times removed or disposed according to your *Majesty's Occasions*.

For the *Patrimonies* of both *Crowns*, I see no *Question* will arise, except your *Majesty* would be pleased to make one compounded *Annexation*, for an inseparable *Patrimony* to the *Crown* out of the *Lands* of both *Nations*, And so the like for the *Principality of Britain*, and for other *Appenages* of the rest of your *Children*, erecting likewise such *Dutchys* and *Honours* compounded of the Possessions of both *Nations* as shall be thought fit.

For *Admiralty* or *Navy*, I see no great *Question* will arise: For I see no Inconvenience for your *Majesty* to continue *Shipping* in *Scotland*. And for the *Jurisdictions* of the *Admiralties* and the *Profits* and *Casualties* of them, they will be respective unto the *Coast*, over against which the *Seas* lye and are situated, as it is here with the *Admiralties* of *England*.

6. *Courts of Justice, and Administration of Law.*

7. *Receipts, Finances, &c. Patrimonies, of the Crown.*

8. *Admiralty, Navy, and Merchandising.*

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And for *Merchandizing*, it may be a Question, whether that the Companies of the *Merchant Adventurers*, of the *Turky Merchants*, and the *Muscovy Merchants* (if they shall be continued) should not be compounded of *Merchants* of both *Nations*, *English* and *Scottish*. For to leave *Trade* free in the one *Nation*, and to have it restrained in the other, may percase breed some *Inconveniences*.

9. Freedom  
and Liberty.

For *Freedom* and *Liberty*, the *Charter* of both *Nations* may be revived: And of such *Liberties* are agreeable and convenient for the *Subjects* and *People* of both *Nations*, one *Great Charter* may be made and confirmed to the *Subjects* of *Britain*, and those *Liberties* which are peculiar or proper to either *Nation*, to stand in *State* as they do.

10. Taxes  
and Imposts.

But for *Imposts* and *Customs*, it will be a great Question How to accommodate them, and reconcile them: For, if they be much easier in *Scotland* than they be here in *England* (which is a thing I know not) then this *Inconvenience* will follow, That the *Merchants* of *England* may unlade in the *Ports* of *Scotland*, and this *Kingdom* to be served from thence, and your *Majesties Customs* abated.

And for the Question, whether the *Scottish Merchants* should pay *Strangers Custom* in *England*, that resteth upon the *Point* of *Naturalization*, which I touched before.

Thus have I presented your *Majesty* a brief and naked *Memorial* of the *Articles* and *Points* of this great *Cause*, which may serve to excite and stir up your *Majesty's Royal Judgment*, and the *Judgment* of *Wiser Men*, whom you will be pleased to call to it: Wherein I will not presume to per wade or dissuade any thing; Nor to interpolate mine own *Opinion*, but do expect light from your *Majesty's Royal direction*, unto the which I shall ever submit my *Judgment*, and apply my *Travail*: And I most humbly pray your *Majesty*, in this which is done, to pardon my *Errours*, and to cover them with my good *Intention* and *Meaning*, and Desire I have to do your *Majesty Service*, and to acquit the trust that was reposed in me, and chiefly in your *Majesty's* benign and gracious acceptance.



E I N I S.

